

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

V.

TEXAS INSTRUMENTS, INC., *et al.*,

Defendants.

Civil Action No. 6:12-CV-499-LED
(Consolidated from 6:12-CV-531).

JURY TRIAL DEMANDED

AGREED MOTION TO DISMISS WITH PREJUDICE
DEFENDANT BIO-KEY INTERNATIONAL, INC.

Plaintiff Blue Spike, LLC, on the one hand, and defendant BIO-key International, Inc., on the other, have reached a settlement of the above-captioned matter and have agreed to dismiss the claims, counterclaims, and causes of action between them.

Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Blue Spike, LLC stipulates to the dismissal with prejudice of all claims and causes of action asserted in this case against defendant BIO-key International, Inc., and defendant BIO-key International, Inc. stipulates to the dismissal with prejudice of all counterclaims and defenses asserted in this case against Blue Spike, LLC. The parties shall bear their own attorneys' fees, expenses and costs.

Dated: December 6, 2012

Respectfully submitted,

/s/ Christopher A. Honea

Randall T. Garteiser

Lead Attorney

Texas Bar No. 24038912

randall.garteiser@sftrialattorneys.com

Christopher A. Honea

Texas Bar No. 24059967

chris.honea@sftrialattorneys.com

Christopher S. Johns

Texas Bar No. 24044849
chris.johns@sftrialattorneys.com
GARTEISER HONEA, P.C.
44 North San Pedro Road
San Rafael, California 94903
Telephone: (415) 785-3762
Facsimile: (415) 785-3805

Eric M. Albritton
Texas State Bar No. 00790215
ema@emafirm.com
Stephen E. Edwards
Texas State Bar No. 00784008
see@emafirm.com
Michael A. Benefield
Texas State Bar No. 24073408
mab@emafirm.com
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
Telephone: (903) 757-8449
Facsimile: (903) 758-7397

Counsel for Blue Spike, LLC

/s/ Eric H. Findlay
Eric H. Findlay
State Bar No. 00789886
Brian Craft
State Bar No. 04972020
Walter W. Lackey, Jr.
State Bar No. 24050901
FINDLAY CRAFT LLP
6760 Old Jacksonville Highway
Suite 101
Tyler, TX 75703
Phone: 903 571 696
efindlay@findlaycraft.com
bcraft@findlaycraft.com
wlackey@findlaycraft.com

-and-

Carlos Perez-Albuerne (*pro hac vice*)
Dana Leigh Popkave (*pro hac vice*)
CHOATE, HALL & STEWART LLP

Two International Place
Boston, MA 02110
Tel.: (617) 248-5000
Fax: (617) 248-4000
cperez@choate.com
dpopkave@choate.com

Counsel for BIO-key International, Inc.